

AO 242 (Rev. 09/17) Petition for a Writ of Habeas Corpus Under 28 U.S.C. § 2241

## UNITED STATES DISTRICT COURT

for the

DISTRICT OF NEW JERSEY

Aryeh Goodman, aggrieved U.S. Citizen)

*Petitioner*

v.

David E. Ortiz, Warden JBMDL NJ  
(d/b/a "FCI FORT DIX"), 5756 Hartford  
& Pointsville Rd. JBMDL NJ 08640-090 )*Respondent*

(name of warden or authorized person having custody of petitioner)

APPLICATION & PETITION FOR  
WRIT OF HABEAS CORPUS  
UNDER 28 U.S.C. § 2241 WITH  
RELIEF AS REQUIRED AT § 2243

Case No. \_\_\_\_\_

(Supplied by Clerk of Court)

## PETITION FOR A WRIT OF HABEAS CORPUS UNDER 28 U.S.C. § 2241

## Personal Information

1. (a) Your full name: Aryeh Goodman  
(b) Other names you have used: NOT APPLICABLE
2. Place of confinement: JBMDL NJ a Political Subdivision of State of New Jersey.  
(a) Name of institution: JOINT BASE MCGUIRE-DIX-LAKEHURST NEW JERSEY, d/b/a "FCI FORT DIX".  
(b) Address: 5756 Hartford & Pointsville Rd., JBMDL NJ 08640-090200  
(c) Your identification number: Do not have such a number; here I am assigned Account #71509-050
3. Are you currently being held on orders by:  
☐ Federal authorities ☐ State authorities ☒ Other - explain: I am in custody of a United States District Court sentence imposing incarceration under Attorney General of the U.S. exclusively.
4. Are you currently:  
☐ A pretrial detainee (waiting for trial on criminal charges)  
☐ Serving a sentence (incarceration, parole, probation, etc.) after having been convicted of a crime NOT APPLICABLE  
If you are currently serving a sentence, provide:  
(a) Name and location of court that sentenced you: \_\_\_\_\_  
(b) Docket number of criminal case: \_\_\_\_\_  
(c) Date of sentencing: \_\_\_\_\_  
☐ Being held on an immigration charge  
☒ Other (explain): I am serving a sentence for a Violation of Code of Laws of the U.S. (aka: "USC" or "U.S.C.S."); Name & Location of Sentencing Court: USDC, For District Of New Jersey, Trenton Division; Dkt.#: 3:19-CR-00265-FLW-1; Sentencing Date: 8/28/2019. USDC noticed me I am sentenced pursuant a Judgment in a criminal case. Crime is not used in USDC's Judgment order.

## Decision or Action You Are Challenging

5. What are you challenging in this petition:  
☐ How your sentence is being carried out, calculated, or credited by prison or parole authorities (for example, revocation or calculation of good time credits)

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- ☐ Pretrial detention
- ☐ Immigration detention
- ☐ Detainer
- ☐ The validity of your conviction or sentence as imposed (for example, sentence beyond the statutory maximum or improperly calculated under the sentencing guidelines)
- ☐ Disciplinary proceedings

☒ Other (explain): I am challenging the Immediate Custodian's execution of sentence as unlawful Executive restraint of my liberty without basis in USDC's sentence, duties of Attorney General of the U.S. as executor of USDC's sentence, and a denial 14th & 5th Amendments' due process.

6. Provide more information about the decision or action you are challenging:

(a) Name and location of the agency or court: JOINT BASE MCGUIRE-DIX-LAKEHURST NEW JERSEY, 5756 Hartford & Pointsville Rd., JBMDL NJ 08640-090200

(b) Docket number, case number, or opinion number: NOT APPLICABLE

(c) Decision or action you are challenging (for disciplinary proceedings, specify the penalties imposed):

Immediate Custodian, to wit: David E. Ortiz, directly and through his Staff, namely: Case Manager Brian Vogt, unilaterally stripped me of vested good time and earned time diminution Credits provided me by Federal Law without providing me Notice and opportunity to be heard in opposition.

(d) Date of the decision or action: At Case Manager Vogt's Team Meeting on 05/12/20.

#### Your Earlier Challenges of the Decision or Action

7. First appeal NOT APPLICABLE

Did you appeal the decision, file a grievance, or seek an administrative remedy?

☐ Yes ☐ No NOT APPLICABLE

(a) If "Yes," provide:

(1) Name of the authority, agency, or court: NOT APPLICABLE

(2) Date of filing: NOT APPLICABLE

(3) Docket number, case number, or opinion number: NOT APPLICABLE

(4) Result: NOT APPLICABLE

(5) Date of result: NOT APPLICABLE

(6) Issues raised: NOT APPLICABLE

(b) If you answered "No," explain why you did not appeal: NOT APPLICABLE

8. Second appeal NOT APPLICABLE

After the first appeal, did you file a second appeal to a higher authority, agency, or court?

☐ Yes ☐ No

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(a) If "Yes," provide: **NOT APPLICABLE**(1) Name of the authority, agency, or court: **NOT APPLICABLE**(2) Date of filing: **NOT APPLICABLE**(3) Docket number, case number, or opinion number: **NOT APPLICABLE**(4) Result: **NOT APPLICABLE**(5) Date of result: **NOT APPLICABLE**(6) Issues raised: **NOT APPLICABLE**(b) If you answered "No," explain why you did not file a second appeal: **NOT APPLICABLE**9. **Third appeal** **NOT APPLICABLE**

After the second appeal, did you file a third appeal to a higher authority, agency, or court?

☐ Yes☐ No**NOT APPLICABLE**

(a) If "Yes," provide:

(1) Name of the authority, agency, or court: **NOT APPLICABLE**(2) Date of filing: **NOT APPLICABLE**(3) Docket number, case number, or opinion number: **NOT APPLICABLE**(4) Result: **NOT APPLICABLE**(5) Date of result: **NOT APPLICABLE**(6) Issues raised: **NOT APPLICABLE**(b) If you answered "No," explain why you did not file a third appeal: **NOT APPLICABLE**10. **Motion under 28 U.S.C. § 2255** **NOT APPLICABLE**In this petition, are you challenging the validity of your conviction or sentence as imposed? **NOT APPLICABLE**☐ Yes☐ No**NOT APPLICABLE**

If "Yes," answer the following:

(a) Have you already filed a motion under 28 U.S.C. § 2255 that challenged this conviction or sentence?

☐ Yes☐ No**NOT APPLICABLE**

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If "Yes," provide:

(1) Name of court: NOT APPLICABLE

(2) Case number: \_\_\_\_\_

(3) Date of filing: \_\_\_\_\_

(4) Result: \_\_\_\_\_

(5) Date of result: \_\_\_\_\_

(6) Issues raised: NOT APPLICABLE

- (b) Have you ever filed a motion in a United States Court of Appeals under 28 U.S.C. § 2244(b)(3)(A), seeking permission to file a second or successive Section 2255 motion to challenge this conviction or sentence?

☐ Yes☐ NoNOT APPLICABLE

If "Yes," provide:

(1) Name of court: NOT APPLICABLE

(2) Case number: \_\_\_\_\_

(3) Date of filing: \_\_\_\_\_

(4) Result: \_\_\_\_\_

(5) Date of result: \_\_\_\_\_

(6) Issues raised: \_\_\_\_\_

- (c) Explain why the remedy under 28 U.S.C. § 2255 is inadequate or ineffective to challenge your conviction or sentence: NOT APPLICABLE

11. **Appeals of immigration proceedings**

Does this case concern immigration proceedings?

NOT APPLICABLE☐ Yes☐ No

If "Yes," provide:

(a) Date you were taken into immigration custody: \_\_\_\_\_

(b) Date of the removal or reinstatement order: \_\_\_\_\_

(c) Did you file an appeal with the Board of Immigration Appeals?

☐ Yes☐ No

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If "Yes," provide: **NOT APPLICABLE**

(1) Date of filing: \_\_\_\_\_

(2) Case number: \_\_\_\_\_

(3) Result: \_\_\_\_\_

(4) Date of result: \_\_\_\_\_

(5) Issues raised: **NOT APPLICABLE**(d) Did you appeal the decision to the United States Court of Appeals? **NOT APPLICABLE**☐ Yes ☐ No

If "Yes," provide:

(1) Name of court: \_\_\_\_\_

(2) Date of filing: \_\_\_\_\_

(3) Case number: \_\_\_\_\_

(4) Result: \_\_\_\_\_

(5) Date of result: \_\_\_\_\_

(6) Issues raised: **NOT APPLICABLE****12. Other appeals**Other than the appeals you listed above, have you filed any other petition, application, or motion about the issues raised in this petition? **NOT APPLICABLE**☐ Yes ☐ No **NOT APPLICABLE**If "Yes," provide: **NOT APPLICABLE**

(a) Kind of petition, motion, or application: \_\_\_\_\_

(b) Name of the authority, agency, or court: **NOT APPLICABLE**

(c) Date of filing: \_\_\_\_\_

(d) Docket number, case number, or opinion number: **NOT APPLICABLE**

(e) Result: \_\_\_\_\_

(f) Date of result: \_\_\_\_\_

(g) Issues raised: **NOT APPLICABLE**



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**Grounds for Your Challenge in This Petition**

13. State every ground (reason) that supports your claim that you are being held in violation of the Constitution, laws, or treaties of the United States. Attach additional pages if you have more than four grounds. State the facts supporting each ground. Any legal arguments must be submitted in a separate memorandum.

**IN VIOLATION OF MY 14TH. and 5TH. AMENDMENTS' CIVIL RIGHT OF LIBERTY**  
**GROUND ONE: IMMEDIATE CUSTODIAN, DAVID E. ORTIZ, BY UNILATERAL EXECUTIVE FIAT UNLAW-**  
**FULLY EXTENDS MY TERM OF INCARCERATION BEYOND THE LEGAL TERM POSSIBLE UNDER FEDERAL LAW BY SECRET-**  
**LY REFUSING TO APPLY MY EARNED AND VESTED DIMINUTION CREDITS THAT REDUCE MY STAY IN ATTORNEY GEN-**  
**ERAL CUSTODY, WHERE FEDERAL LAW VESTED CREDITS ESTABLISH 07/05/2020 MANDATORY RELEASE DATE.**

(a) Supporting facts (Be brief. Do not cite cases or law.): I am a Citizen of the United States serving a

United States District Court judgment sentence enforced per Judgment Sentence order by custody at the hands of the Attorney General of the United States. Said Attorney General also enforces custody of illegal Aliens convicted of local state crimes. Federal Law authorize diminution credits for citizens for which illegal Aliens, having no right to liberty in any State, can not obtain. Immediate Custodian herein via Staff unilaterally refuses me all Credits without Notice. By law Credits require my release on July 5th, 2020; by my attached Affidavit I pray my discharge

(b) Did you present Ground One in all appeals that were available to you? NOT APPLICABLE

☐ Yes

☐ No

**GROUND TWO:** NOT APPLICABLE

(a) Supporting facts (Be brief. Do not cite cases or law.):

NOT APPLICABLE

(b) Did you present Ground Two in all appeals that were available to you? NOT APPLICABLE

☐ Yes

☐ No

**GROUND THREE:** NOT APPLICABLE

(a) Supporting facts (Be brief. Do not cite cases or law.):

NOT APPLICABLE

(b) Did you present Ground Three in all appeals that were available to you? NOT APPLICABLE

☐ Yes

☐ No

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**GROUND FOUR: NOT APPLICABLE**(a) Supporting facts (*Be brief. Do not cite cases or law.*):**NOT APPLICABLE**

(b) Did you present Ground Four in all appeals that were available to you?

☐ Yes☐ No**NOT APPLICABLE**

14. If there are any grounds that you did not present in all appeals that were available to you, explain why you did not:

**NOT APPLICABLE****Request for Relief****PURSUANT 28 U.S.C. § 2243**

15. State exactly what you want the court to do: I am requesting as stated in Federal Statute at 2243 under Title 28 U.S.C., as follows:

1. **THAT:** This Court shall forthwith award the Writ of habeas corpus discharge based upon my Application and Petition supported by my sworn Affidavit, therewith releasing me from the incarceration portion of the USDC's judgment sentence to the Supervised Release custody of the judgment sentence.

2. **OR:** Issue a show cause Order to named Immediate Custodian commanding named Immediate Custodian to make the return within three days, unless more time is needed but not to exceed 20 days, of the record Certifying the true cause of citizen Aryeh Goodman's detention.

3. **THAT:** Where named Immediate Custodian's return fail or refuse to present the record Certifying the true case of citizen Aryeh Goodman's detention and/or admit or acquiesce to citizen Aryeh Goodman's sworn Affidavit material facts now before this Court, that citizen Aryeh Goodman be Ordered discharged by the Writ from all further custody of named Immediate Custodian to the Supervised Released term of the USDC's judgment sentence.

4. **THAT:** This Court issue any further relief in this matter as law and justice require.

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**Declaration Under Penalty Of Perjury**

If you are incarcerated, on what date did you place this petition in the prison mail system:

NOT APPLICABLE

I declare under penalty of perjury that I am the petitioner, I have read this petition or had it read to me, and the information in this petition is true and correct. I understand that a false statement of a material fact may serve as the basis for prosecution for perjury.

Date: NOT APPLICABLE

NOT APPLICABLE

*Signature of Petitioner*

NOT APPLICABLE

*Signature of Attorney or other authorized person, if any*

**CERTIFICATE OF SERVICE**

I, Aryeh Goodman a natural born Citizen of the United States and by domicile a citizen of State of New Jersey, do affirm under penalty of Perjury that the foregoing APPLICATION & PETITION FOR WRIT OF HABEAS CORPUS UNDER 28 U.S.C. § 2241 WITH RELIEF AS REQUIRED AT 28 U.S.C. § 2243 original and two copies is mailed by certified mail, postage pre-paid, with return receipt requested to the United States District Court for the DISTRICT OF NEW JERSEY, CAMDEN DIVISION, by my Father: Bruce Goodman, from our N.J. home located at:

317 Harper Place  
Highland Park, N.J., 08904

NOTICE: Certified Mail herein is Registered.

Date: June 15, 2020

Aryeh Goodman  
Aryeh Goodman